

**TRANSMITTAL FORM**

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/690,159	
	Filing Date	October 16, 2003	
	First Named Inventor	Mark A. Michalicek	
	Art Unit	2818	
	Examiner Name	Thao P. Le	
Total Number of Pages in this Submission	6	Attorney Docket Number	AFD 625

**ENCLOSURES** (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts / Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to a Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):		
<table border="1"> <tr> <td>Remarks</td> <td>There is no fee associated with this filing.</td> </tr> </table>			Remarks	There is no fee associated with this filing.
Remarks	There is no fee associated with this filing.			

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm or Individual Name	GERALD B. HOLLINS	<b>RECEIVED</b> <b>OIP E IAP</b>
Signature	<i>Gerald B Hollins</i>	
Date	20 December 2005	JAN 09 2006

**CERTIFICATE OF TRANSMISSION / MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature	<i>Gerald B Hollins</i>	20 December 2005
Typed or printed name	GERALD B. HOLLINS	12/20/2005



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 10/690,159 Confirmation No. : 6033  
Applicant(s) : Mark A. Michalicek  
Filed : October 16, 2003  
TC/AU : 2818  
Examiner : Kenya A. McLaughlin, Attorney and Thao P. Le, Examiner  
Docket No. : AFD 625  
Customer No. : 26902

Commissioner for Patents  
Office of Petitions  
P.O. Box 1450  
Alexandria VA 22313-1450

**RENEWED PETITION UNDER 37 C.F.R. 1.137(a)**

Sir:

In response to the Office Action of Petition Dismissal dated 02 November 2005, please consider the below recited two requests for reconsideration, the attached document copy, and the appended remarks.

The document copy attached below is also responsive to an E-mail telephone call received from Examiner Ms. Kenya A. McLaughlin on 16 December 2005.

**A FIRST REQUEST FOR RECONSIDERATION** appears on page 2 of this paper.

**A SECOND REQUEST FOR RECONSIDERATION** appears on page 3 of this paper.

**REMARKS/ARGUMENTS** begin on page 4 of this paper.

An **Appendix** including a transmittal form with completed Certificate of Mailing is attached following page 4 of this paper.

### **FIRST REQUEST FOR RECONSIDERATION**

Applicants hereby request reconsideration of the dismissal of the 37 C.F.R. 1.137(a) Petition filed on 20 October 2005, the Petition dismissed in the Examiner's Action of 02 November 2005 for absence of a showing of applicants' Certificate of Mailing related to a missing response of election dated 28 April 2005.

## **SECOND REQUEST FOR RECONSIDERATION**

Applicants hereby request reconsideration of the \$500.00 fee assessed for the Petition filed on 20 October 2005. This Petition and fee were necessitated by the failure of applicants' response of election dated 28 April 2005 to reach the Examiner in the U.S. Patent and Trademark Office notwithstanding applicants' accomplished drafting and timely mailing of same as is attested to by the attached copy of the Certificate of Mailing accompanying this 28 April 2005 document.

### **REMARKS/ARGUMENTS**

The application stands as abandoned as is announced in the Examiner's Action dated 14 October 2005. Abandonment is based on failure of applicants' 28 April 2005 response to the Requirement of Restriction to reach the U.S. Patent and Trademark Office Examiner.

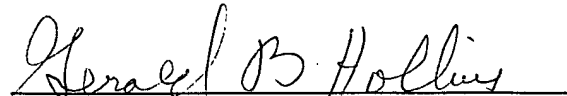
In response applicants previously filed the 20 October 2005 Petition Under 37 C.F.R. 1.137(a) soliciting a revival of the application. This petition was 16 pages in length including the required previous reply copies. The 6<sup>th</sup> page of these 16 pages was a copy of a Transmittal Form, with a lowermost Certificate of Mailing dated 28 April 2005, as was earlier submitted in response to the Requirement of Restriction. In view of the contents of the current Examiner's Action of Petition dismissing, it appears that only this 6<sup>th</sup> page of the Petition document did not reach the U.S. Patent and Trademark Office Office of Petitions. That is, the Petition was dismissed for absence of a copy of the Certificate of Mailing dated 28 April 2005 while other matters considered in the Petition have not been faulted.

A copy of the needed transmittal form, with Certificate of Mailing dated 28 April 2005, as was earlier submitted in response to the Requirement of Restriction, is attached hereto.

In view of applicants' now corroborated timely and complete response to both the Requirement of Restriction and the needed Petition for Revival and thus applicants' complete absence of fault in the present sequence of events, a reconsideration and return of the \$500.00 fee assessed for the Petition of Revival, to the deposit account of the U.S. Air Force, is respectfully solicited herein. Current concerns in the U.S. Department of Defense have made funding for this deposit account a matter of significant difficulty.

Favorable reconsideration of the Petition for Revival and passage of the application to examination on the merits are respectfully solicited.

Respectfully submitted,



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